

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL CASE NO. 1:09cr79

UNITED STATES OF AMERICA,)
)
 Appellee,)
)
 vs.)
)
 PETER W. GOODWIN,)
)
 Appellant.)
 _____)

ORDER

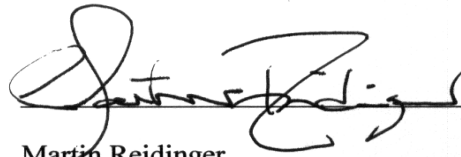
THIS MATTER is before the Court *sua sponte*.

By Order entered September 9, 2009, the undersigned found that because the Appellant was on release at the time of conviction and was allowed to self-report to prison, his sentence must be stayed pending his appeal. Fed.R. Crim. P. 38(b)(1); Fed.R.Crim P. 58(g)(3). The Court has been advised by the United States Marshal that the Appellant self-reported on September 8, 2009 and was taken into the custody of the Bureau of Prisons. As a result, the stay previously issued is moot. However, the Court will shorten the time for filing briefs on appeal due to the short sentence of six months incarceration imposed by the Magistrate Judge.

IT IS, THEREFORE, ORDERED that the Appellant shall file his brief on appeal on or before fifteen (15) days from entry of this Order. The Appellee shall file its brief on or before fifteen (15) days from the filing of the Appellant's brief.

IT IS FURTHER ORDERED that the previous stay is hereby stricken as moot.

Signed: September 10, 2009


Martin Reidinger
United States District Judge

